



10-17-06

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Patent Docket P1150R2C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Avi J. Ashkenazi et al. Serial No.: 10/713,391 Filed: November 14, 2003 For: DNA 19355 Polypeptide, A Tumor Necrosis Factor Homolog	Group Art Unit: to be assigned Examiner: to be assigned Confirmation No: 1592 CUSTOMER NO: 09157 CERTIFICATE OF EXPRESS MAILING EXPRESS MAIL LABEL NO.: <u>EV 384 509 703 US</u> <small>I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450".</small> October 16, 2006 <i>Diane L. Marschang</i> Diane L. Marschang
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TRANSMITTAL LETTER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

1. Supplemental Information Disclosure Statement (dup);
2. Form PTO-1449 with 39 References;
3. Return postcard.

In the event any additional fees are due in connection with the filing of these documents, the Commissioner is authorized to charge such fees to our Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC.

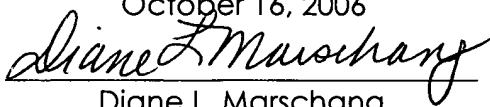
Date: October 16, 2006

By: *Diane L. Marschang*
Diane L. Marschang
Reg. No. 35,600
Telephone No. (650) 225-5416



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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

[X] **37 CFR §1.97(c)**

- by the applicant after the period specified in 37 CFR §1.97(b), but prior to the mailing date of any of a final action under 37 CFR §1.113, or a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and is accompanied

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by either the fee set forth in 37 CFR §1.17(p) **or** a statement as specified in 37 CFR §1.97(e), as checked below.

- ☒ The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patent(s) and/or publication(s) is set forth on the attached revised Form PTO-1449. Copies of the items listed on the PTO-1449 form are supplied herewith, except for United States patent(s) and United States patent application publication(s) and other documents that are marked with an asterisk (*) in the attached PTO-1449 form. Copies of United States patents and United States patent application publications will not be supplied unless requested by the Office [37 CFR §1.98(a)(2)(ii)]. See Final Rule **1287 OG** (October 12, 2004). Other documents cited with an asterisk have not been supplied because they were previously cited by or submitted to the Office in prior application Serial No. 10/080,455, filed February 22, 2002 and benefit from the prior application is claimed in this application under 35 U.S.C §120. However, copies of any cited document will be provided in its entirety at the request of the Office.

A concise explanation of relevance of the items listed on PTO-1449 is:

- ☒ not given
- ☐ given for each listed item
- ☐ given for only non-English language listed item(s) [Required]
- ☐ in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

Applicants do wish to advise that various references cited on the attached PTO-1449 form have been cited in a pending opposition proceeding in Australian involving Australian patent no. 53937/01 entitled "Human Endokine Alpha" filed by Human Genome Sciences.

In accordance with 37 CFR § 1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with 37 CFR § 1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 for this Information Disclosure Statement, or credit overpayment to Deposit Account No. 07-0630. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

GENENTECH, INC.

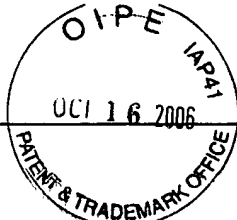
Date: October 16, 2006

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Diane L. Marschang

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FORM PTO-1449

U.S. Dept. of Commerce
Patent and Trademark Office

Atty Docket No.

P1150R2C2

Serial No.

10/713,391

LIST OF DISCLOSURES CITED BY APPLICANT

(Use several sheets if necessary)

Applicant

Ashkenazi et al.

Filing Date

14 Nov 2003

Group

to be assigned

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Date	Name	Class	Subclass	Filing Date
	1	5,288,852	22.02.94	Yamada et al.		

FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Date	Country	Class	Subclass	Translation Yes No
	2	708972	31.05.96	AU		
	3	731123	06.03.98	AU		
	4	760010	07.06.99	AU		
	5	0212489	03.04.87	EP		
	6	0218868	22.04.87	EP		
	7	0288088	26.10.88	EP		
	8	WO 00/50620	31.08.00	PCT		
	9	WO 96/14328	17.05.96	PCT		
	10	WO 99/25834	27.05.99	PCT		

OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, etc.)

11	Allison et al., "Mechanisms of β cell death in diabetes: A minor role for CD95" <u>Proc. Natl. Acad. Sci.</u> 95:13818-13822 (1998)
12	Allison et al., "Transgenic expression of CD95 ligand on islet β cells induces a granulocytic infiltration but does not confer immune privilege upon islet allografts" <u>Proc. Natl. Acad. Sci.</u> 94:3943-3947 (1997)
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16	Gurney et al., "Identification of a new member of the tumor necrosis factor family and its receptor, a human ortholog of mouse GITR" <u>Current Biology</u> 9(4):215-218 (Feb 25, 1999)
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20	Huang et al., "Activation of Fas by FasL induces apoptosis by a mechanism that cannot be blocked by Bcl-2 or Bcl-xL" <u>Proc. Natl. Acad. Sci. USA</u> 96(26):14871-14876 (1999)
21	Huang et al., "Bcl-2, Bcl-xL, and adenovirus protein E1B19kD are functionally equivalent in their ability to inhibit cell death" <u>Oncogene</u> 14:405-414 (1997)
22	Irmeler et al., "Direct physical interaction between the Caenorhabditis elegans 'death proteins' CED-3 and CED-4" <u>FEBS Letters</u> 406:189-190 (1997)

Examiner

Date Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, etc.)

23	Irmeler et al., "Inhibition of death receptor signals by cellular FLIP" <u>Nature</u> 388:190-195 (1997)
24	Kwon et al., "Identification of a Novel Activation-inducible Protein of the Tumor Necrosis Factor Receptor Superfamily and Its Ligand" <u>Journal of Biological Chemistry</u> 274(10):6056-6061 (1999)
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26	Newton et al., "A dominant interfering mutant of FADD/MORT1 enhances deletion of autoreactive thymocytes and inhibits proliferation of mature T lymphocytes" <u>The EMBO Journal</u> 17(3):706-718 (1998)
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33	Strasser et al., "Bcl-2 and Fas /APO-1 regulate distinct pathways to lymphocyte apoptosis" <u>The EMBO Journal</u> 14(24):6136-6147 (1995)
34	Tan et al., "Characterization of a novel TNF-like ligand and recently described TNF ligand and TNF receptor superfamily genes and their constitutive and inducible expression in hematopoietic and non-hematopoietic cells" <u>Gene</u> 204:35-46 (Dec 19, 1997)
35	Thome et al., "Viral FLICE-inhibitory proteins (FLIPS) prevent apoptosis induced by death receptors" <u>Nature</u> 386:517-521 (1997)
36	Verhagen et al., "Inhibitor of apoptosis proteins and their relatives: IAPs and other BIRPs" <u>Genome Biology</u> 2(7):reviews 3009.1-3009.10 (2001)
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38	Villunger et al., "Fas Ligand-Induced c-Jun Kinase Activation in Lymphoid Cells Requires Extensive Receptor Aggregation But is Independent of DAXX, and Fas-Mediated Cell Death Does Not Involve DAXX, RIP, or RAIDD" <u>The Journal of Immunology</u> 165:1337-1343 (2000)
39	Wallach, "TNF Ligand and TNF/NGF Receptor Families" <u>Cytokine Reference</u> , Academic Press pps. 377-411 (2000)
40	Yoshida et al., "Rapid B cell apoptosis induced by antigen receptor ligation does not require Fas (CD95/APO-1), the adaptor protein FADD/MORT1 or CrmA-sensitive caspases but is defective in both MRL-+/+ and MRL-lpr/lpr mice" <u>International Immunology</u> 12(4):517-526 (2000)

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